Remarks

In response to the April 8, 2008 office action, the status indicator of claim 41 has been changed to "currently amended" and Applicant respectfully request entry of the amendment. Claims 40 – 48 are pending, with claim 40 being the only independent claim. Claims 49-58 are new. Applicant respectfully requests reconsideration and allowance of the pending and new claims in view of the following remarks.

A. Claim Rejections Under 35 U.S.C. § 102

Claims 40-42 and 44-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application 2005/0114511 ("Davis"). Applicant submits that the pending claims 40-42 and 44-48 are presently in condition for allowance as each and every element of the pending claims are not disclosed by Davis.

In the Office Action, the Examiner contends that Davis anticipates Applicant's link tracking. This argument is respectfully traversed and it is submitted that the invention is fully distinguished from Davis, as explained in more detail below.

With regard to claim 40, Davis does not teach, suggest, or describe each of the elements of independent claim 40, in particular because it does not (1) initialize an "initial function" which creates "an array of links contained in the received tracking enabled Web page," where "at least a first and a second of the links in the array of links associated with a same uniform resource locator (URL) in the received tracking enabled Web page," or (2) send "a link tracking request and the array of links to a link tracking server," as is presently claimed.

Although the cited paragraphs in Davis teach that Davis can track links, nowhere in paragraphs 13, 18, 21, 36, and 40 that the Examiner cites on page 3 of the Office Action, can Applicant find a teaching in Davis that an "array of links" is initialized by an initial function and that in the array are first and second links from the same URL. In fact, Davis performs no such action, because even if Davis tracks links, they are not links to the same URL within the same web page.

Instead, Davis tracks ad banners between different pages (different URLs). For example, Davis states that when the tracking program is attached to an "ad banner that is embedded in multiple Web pages across different web sites," the database has information "about how often and for how long the different pages that contained the ad banner were displayed." (Davis, Paragraph

0057). Thus, even if Davis is tracking multiple links and even if the tracking of links is interpreted to be an "array of links" the array taught by the above passage would never have first and second entries of the same URL.

For example, if the above ad banner was on two pages from the same server, one URL might be http://www.example.com/index.html and another URL might be http://www.example.com/a.html. Even though the ad banners resided on the same web site, the URLs differ because the web pages are different. Thus, the above two example pages described in paragraph 0057 of Davis could never anticipate the present claims.

Therefore, Davis does not teach, suggest, or describe "at least a first and a second of the links in the array of links associated with a same uniform resource locator (URL) in the received tracking enabled Web page." Instead, Davis records links, for example on ad banners across multiple web pages and web sites, which conveys different information and is not presently claimed in independent claim 40.

Moreover, Davis does not send "a link tracking request and an array of links to a link tracking server" as is presently claimed. In Davis, the client computer obtains a tracking program and saves the tracking program to RAM. (See, Davis, Paragraph 0046). As such, there is no reason for Davis to send an array of links because the tracking program is resident on the client computer.

Since there is a significant difference between (1) tracking ad banners across multiple web pages and web sites; and (2) tracking user activity by a program resident in the RAM of a client computer, and tracking multiple links to the same URL within the same web page, as previously explained, Applicant asserts that independent claim 40 is in condition for allowance. Since claims 41-48 depend from an allowable claim, they are in condition for allowance as well. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 102(e).

B. Claim Rejections Under 35 U.S.C. § 103

Claim 43 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of U.S. Patent No. 7,076,546 ("Bates"). The Examiner states that Davis teaches all of the limitations of claim 43, except "Davis does not specifically teach comparing the domain name of the received

tracking enabled web page to the domain name of the selected link to determine if they are the same." The Examiner states that Bates teaches this limitation. The rejection is traversed as follows.

An invention is unpatentable if the differences between it and the prior art would have been obvious at the time of the invention. As stated in MPEP § 2143, there are three requirements to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

Claim 43 depends from claim 40. As described in sub-section A, Davis does not teach certain limitations of claim 40. Since the limitations of claim 40 are incorporated into claim 43, Davis does not teach the limitations of claim 43 and neither does Bates. As such, Davis in combination with Bates still does not teach all of the limitations of claim 43.

Moreover, there is not a motivation to combine Davis with Bates. The subject matter of claim 43 relates to determining domain names for a tracking enabled web page and a link and comparing the domain names. While Bates addresses similar subject matter, it never "determines a domain name" per se in the manner claimed, nor does it "compare" the domain names to determine if they are the same. Instead, Bates detects a "switch URL" event. (Bates, Column 10, Line 5).

There are very significant differences between the "switch URL" event in Bates and determining domain names and comparing the domain names to determine if they are the same, as is presently claimed. For example, Bates states that the switch URL event is invoked when "a user wishes to discard a document at one URL and replace it with the document at another URL . . . e.g., when invoking a hypertext link, depressing a forward or back button, selecting a favorite link, etc." (Bates, Column 10, Lines 7-11).

There could literally be hundreds if not thousands of web pages from the same domain, all at different URLs. Thus, the switch URL event detection in Bates in no way determines a domain name, it just determines if two documents are different. Therefore, the switch URL event can

happen when transitioning between http://www.example.com/index.html and http://www.example.com/a.html. In that sense, the switch URL event would be detected in Bates, yet in the present claims, the step of comparing would be different, because the present claims would determine that the domain name was the same. Thus, Bates teaches away from the proposed combination because literally every different web page on the internet would invoke a positive detection of the switch URL event, whereas the present claims only invoke an action when the comparing step finds a different domain name.

There is also no reasonable expectation of succeeding in the proposed combination of Bates and Davis. The Examiner relies on Bates for the switch URL event. As previously explained, the switch URL event differs significantly from the present claims. Moreover, the events in Bates are determined by browser issued commands that are executed by a web browser. (Bates, Column 7, Lines 45-46). Thus, Bates performs its functionality by detecting browser issued commands like "getPage," "releasePage," "swapPage," etc.

The present claims on the other hand are directed to parsing text to determine a domain name. One could not expect to succeed by examining browser issued commands to achieve what is presently claimed, because the browser issued commands tell you nothing about the text either in the tracking enabled web page or the selected link. The attributes in the tracking enabled web page or the selected link are ASCII characters, for example, in HTML documents. Extracting information using these ASCII characters is not feasible by merely examining browser issued commands, as in Bates. Therefore, the proposed combination of Davis and Bates could not reasonably be expected to succeed in performing claim 43. Therefore, Applicant requests that the rejection of claim 43 be withdrawn.

C. New Claims 49-58

New claim 49 is similar to pending claim 43, which depends from claim 40, but includes limitations that a domain name is extracted from the tracking enabled web page and the selected link. New claim 50 expands on the step of extracting. New claim 51 expands on the steps of determining the domain names. New claim 52 expands on new claim 49 in regard to the process of determining the domain names. New claim 53 expands on new claim 52 regarding the use of HTML extension types. New claim 54 expands on new claim 49 regarding the process of providing

information associated with the link tracking request to a subscriber. New claim 55 expands on the step of receiving in new claim 54. New claim 56 expands on new claim 55 regarding the use of HTML tags. New claim 57 expands on new claim 49 regarding the order of execution of link-tracking and non-link-tracking codes. New claim 58 includes sending the array of links, which does not add new matter and is not found in the prior art.

New claims 49-58 are fully supported by the original specification and do not add new matter. Applicant respectfully requests that a notice of allowance be issued with respect to new claims 49-58.

D. Conclusion

If the Examiner has any questions or comments regarding the above Remarks, or if a discussion would be beneficial to advance prosecution, the Examiner is urged to contact the undersigned at the number listed below.

Respectfully submitted,
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Dated: May 1, 2008

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